

## **REMARKS**

Claims 1-14 were pending. Claims 1 and 8-11 are amended herein without prejudice and without acquiescence, finding support in the specification at least in the original claims and at page 16, line 30, to page 17, line 18. New claim 15 is added herein. No new matter has been added herein.

### **I. Claim Objections**

Claims 9, 10, and 11 were objected to for lack of antecedent basis.

Amendments to the claims are submitted herein to correct these inadvertent errors. Applicants respectfully request withdrawal of the objections.

### **II. Issue Under 35 USC § 102**

Claims 1 and 3-12 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,319,469 (“Mian”).

Applicants have amended claim 1 herein to recite that the reaction microcavity and the solid phase have surfaces exposing a plurality of polar functional groups such that the surfaces are hydrophilic. Mian fails to teach at least this element of the presently claimed invention. Therefore, the present invention is novel over Mian, and Applicants respectfully request withdrawal of the rejection.

### **III. Issue Under 35 USC § 103(a)**

#### **A. Claim 2**

Claim 2 was rejected under 35 USC § 103(a) as allegedly being unpatentable over Mian.

Applicants reiterate that the presently claimed invention is not disclosed in Mian, because Mian lacks teaching of a reaction microcavity and solid phase having surfaces that expose a plurality of polar functional groups such that the surfaces are hydrophilic. Mian not only fails to teach, suggest, or provide an apparent reason for such hydrophilicity, but instead teaches away from such a configuration. Mian discloses the use of a solid phase having a

hydrophobic surface (col. 43, lines 30-40) by employing polystyrene-coated paramagnetic particles. The skilled artisan recognizes that polystyrene is a hydrophobic material and based on Mian would avoid hydrophilic surfaces as with the claimed invention.

Applicants assert that the claimed invention is not obvious in light of Mian and respectfully request withdrawal of the rejection.

**B. Claims 13-14**

Claims 13-14 were rejected under 35 USC § 103(a) as allegedly being unpatentable over Mian in view of U.S. Patent Application Publication US2002/0095073 ("Jacobs").

As described above, Mian teaches away from the claimed invention, and Applicants assert that the combination of Mian and Jacobs for claims 13-14 also teaches away from the claimed invention.

Applicants respectfully request withdrawal of the rejection.

**IV. Conclusion**

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe that no fee is due with this response other than the extension of time fee. However, if another fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02774US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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